

## **REMARKS**

Reconsideration is respectfully requested.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

### **Paragraph 1 of the Office Action**

The specification has been objected to for the informalities noted in the Office Action.

The specification has been amended in a manner believed to clarify any informalities in the language, particularly at the points identified in the Office Action.

Withdrawal of the objection is respectfully requested.

### **Paragraph 2 of the Office Action**

Claim 4 has been objected to for the informalities noted in the Office Action.

Claim 4 has been amended in a manner believed to clarify any informalities in the language.

Withdrawal of the objection to claim 4 is therefore respectfully requested.

### **Paragraphs 3 through 5 of the Office Action**

Claims 1 through 10, 12 and 13 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Simpson (U.S. 4,377,850) in view of Dunn (U.S. 4,176,458) and Kaufman (U.S. 5,416,978).

Claim 13 has been cancelled.

Claim 1 (and claim 12), particularly as amended, requires "said wheel having a perimeter for rolling on a ground surface, said means including a marker device mounted on said wheel and having a marking end positioned at the circumference of said wheel such that said marking end contacts the ground surface as said wheel is

rolled on the ground surface and said marking end marks the ground surface with marks spaced at a distance substantially equal to an extent of the circumference of said wheel”.

It is submitted that the structure defined in claim 1, and especially the relationship of the marking device to the circumference of the wheel permitting a mark to be placed on the ground surface at desired spacings, is not shown or suggested in the prior art.

Claim 6 (and claim 12) requires “said wheel is removably mounted on said base member, and wherein said means for marking stud locations includes a plurality of wheels, each said wheel of said plurality of wheels having a circumference with a circumference extent with a measurement different from other wheels of said plurality of wheels such that distances between markings produced by each wheel of said plurality of wheels are different from wheel to wheel”.

It is submitted that none of the prior art reference relied upon in the Office Action would lead one to the requirements of claim 6, especially the requirements quoted above which permits replacement of the wheel with the a wheel having a circumference corresponding to the desired spacing between the marks.

Claim 7 requires “wherein a portion of said wheel extends past said housing in a manner such that said wheel supports said housing in a spaced relationship with respect to a ground surface when said wheel is rolled along the ground surface” and “wherein said means for marking stud locations includes a keypad member mounted to said extended portion for selecting a desired location of a stud upon a surface, an LCD display disposed in said extended portion and readable by a user, a microcontroller including read only memory and being disposed within said extended portion and connected to said LCD display and to said keypad member, a spring-loaded

marker which is biasedly-disposed in a bottom end of said extended portion for marking stud locations, and a plurality of marker-triggering members spacedly disposed upon one side of said wheel for triggering said microcontroller to release said spring-loaded marker to extend outwardly beyond the circumference of said wheel to mark the ground surface as said wheel is rolled along the ground surface".

It is submitted that the prior art would not lead one skilled in the art to the applicant's claimed invention as defined in claim 7, especially the relationship of the housing to a ground surface maintained by the wheel, which permits the marking of the ground surface in an ongoing manner at the selected distances, without having to lift, readjust, or otherwise bother with the marking apparatus.

Withdrawal of the §103(a) rejection of claims 1 through 7, and 9 through 12, and 14 is therefore respectfully requested.